



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/445,131

03/06/2000

JIANLEI XIE

RCA88670

9524

24498

7590

05/06/2005

THOMSON LICENSING INC.
PATENT OPERATIONS
PO BOX 5312
PRINCETON, NJ 08543-5312

EXAMINER

VUONG, BACH Q

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/445,131	Applicant(s) XIE, JIANLEI	
	Examiner Bach Q. Vuong	Art Unit 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-13,15 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-11,15 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/3/05</u> . | 6) <input type="checkbox"/> Other: _____ |

This communication is responsive to a RCE request filed on 02/15/2005

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4-6, 8-11, 15, 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuyoshi et al. (US 5,218,599) in view of Nakano (US 5,805,563).

Tsuyoshi et al., according to Figs. 3-9, shows a recording medium comprising respective program data on on the first and second sides of the medium (see area C in Figs 8-9); and a first area on the first side (see area 35 in ROM information area) and a second area (see area 36 in RAM information area), each the area having disposed thereon distinctive laser encoded data representing information identifying the respective program area data, the first area and the second area being disposed between the center of the recording medium and outer circumference (see areas 35 and 36 are disposed between area C and outer circumference of the disk), the respective program data being disposed outside the outer the outer circumference, and the first and second areas occupying non-overlapping positions with respect to each other (see column 9, lines 13-26). However, Tsuyoshi et al. do not show the recording medium having a double-sided recording medium. Nakano, according to Figs. 7-9, teaches the use of the disk with various reproduction types such as one-side reproduction type (see DVD in Fig. 8), a double-side reproduction type (see DVD in Fig. 9). It has been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disc structure of each type of

Art Unit: 2653

DVD disclosed by Nakano into the recording/reproduction apparatus of Tsuyoshi et al. in order to improve recording/reproducing data on a recording medium with high accuracy and quality.

Regarding claim 3, see the rejection above and further Fig. 9 of USPN 5,218,599 which show a recording medium wherein the first has substantially the same inner and outer circumferences but a different angular position from the second area (see areas 35 and 36 in Fig. 9).

Regarding claim 4, see the rejection above and further Figs. 1, 3 and 9 of USPN 5,218,599 which show a recording medium wherein the first and second areas are positioned as concentric rings with respect to each other (see column 4, line 64 through column 5, line 4).

Regarding claim 5, see the rejection above and further Figs. 7-9 of USPN 5,805,563 which show a recording medium is DVD disk.

Regarding claim 6, see the rejection applied to claim 1 above.

Regarding claim 8, see the rejection applied to claim 3 above.

Regarding claim 9, see the rejection applied to claim 4 above.

Regarding claim 10, see the rejection applied to claim 5 above.

Regarding claim 11, see the rejection applied to claim 1 above and Figs. 8-9 of USPN 5,218,599 which show the first and second layers are on the same side of the medium.

Regarding claim 15, see the rejection applied to claim 1 above and further see Figs. 3-9 of USPN 5,218,599 which show an apparatus (see Fig. 3) for laser encoding a first and a second selectively distinctive codes on a recording medium, comprising: means for

Art Unit: 2653

recording a first individualized code in a first predetermined position and in a first pre-selected layer on the recording medium, the first individualized code being associated with first program data (see area 35 in ROM information area in Fig. 9); and means for encoding a second individualized code in a second pre-selected position and in a second pre-selected layer of the recording medium (see area 36 in RAM information in Fig. 9), the second individualized code being associated with second program data, the first area and the second area being disposed between the center of recording medium and an outer circumference, the first area and second area occupying non-overlapping positions with respect to each other (see disclosure of Figs. 3 and 9 for details).

Regarding claim 21, see the rejection applied to claims above and further see Figs. 3-9 of USPN 5,218,599 which show a optical disk having a first recording area where first main data are recorded in the forms of pits (see ROM information area in Figs. 8-9), and a second recording area (area 35) which is predetermined area in the first recording area, where a plurality of a reflection film are removed partially, so that first identification data is recorded for associating with the first main data, the optical disk being characterized by: a third recording area for recording second main data and a fourth recording area where a plurality of reflection film are removed partially, so a second identification data (area 36), which is distinctive with respect to the first identification data, is recorded for associating with the second main data (RAM information in Figs. 8-9), the second recording area and the fourth recording area being disposed between the center of the recording medium and an outer circumference, the first recording area and the third recording area being disposed outside the outer circumference, and the second recording area and the fourth recording

Art Unit: 2653

area occupying non-overlapping positions with respect to each other (see the rejection applied to claim 1 above).

Regarding claim 22, see the rejection applied to claim 15 above.

Regarding claim 23, see the rejection applied to claim 11 above.

Allowable Subject Matter

Claims 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 12 and 13 are allowable over the prior art of record because all cited references, considered as closest prior art and viewed in combination or individual, fails to suggest or fairly teach a recording medium including a combination of all features as particularly recited in each of claims 12 and 13.

Claims 19 and 20 are allowed over the prior art of record because all cited references, considered as closest prior art and viewed in combination or individual, fails to suggest or fairly teach a method for processing a disk including a combination of all features as recited in claim 19. Claim 20 falls with its respective parent claim.

Cited References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to the structure of the double-side/two recording-layer medium, a method and an apparatus for recording and reproduction of information on the recording medium.

Art Unit: 2653

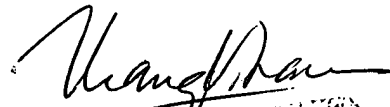
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bach Q. Vuong whose telephone number is (571) 272-7596.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-5789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BV
April 25, 2005


THANG V. TRAN
PRIMARY EXAMINER